

CENTER FOR DISABILITY ACCESS
Ray Ballister, Jr., Esq., SBN 111282
Russell Handy, Esq., SBN 195058
Phyl Grace, Esq., SBN 171771
Dennis Price, Esq., SBN 279082
Mail: PO Box 262490
San Diego, CA 92196-2490
Delivery: 9845 Erma Road, Suite 300
San Diego, CA 92131
(858) 375-7385; (888) 422-5191 fax
phylg@potterhandy.com

Attorneys for Plaintiff

Arman Saakyan, Esq., SBN 259958
Arman Sahakyan & Associates
1415 E. Colorado St. Suite 207
Glendale, CA 91205
T: (818) 246-1000
F: (818) 483-2340

Attorney for Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Shirley Lindsay,

Plaintiff,

v.

3161 Los Feliz Blvd., LLC, a
California Limited Liability
Company;
Aram Tsolakyan;
Gohar Grigorian; and Does 1-10,

Defendants

Case No. 2:17-cv-02592-JFW-SS

**Joint Report (Rule 26) for
Scheduling Conference**

Date: June 19, 2017
Time: 8:30 a.m.
Courtroom: 7A

Honorable Judge John F. Walter

Pursuant to Rule 26 of the Federal Rules of Civil Procedure and the Minute Order Setting Scheduling Conference filed May 24, 2017, the parties hereby submit the following Joint Rule 26 Report.

1 **1. Magistrate Judge**

2 Plaintiff: chooses to have a Magistrate Judge preside over this case
3 for all purposes.

4 Defendants: choose to have a Magistrate Judge preside over this case
5 for all purposes.

6
7 **2. Jurisdiction & Venue**

8 This Court has subject matter jurisdiction over this action pursuant
9 to 28 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the
10 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

11 This court has supplemental jurisdiction over the claims brought
12 under the Unruh Act pursuant to 28 U.S.C. § 1367(a) as the claims arise
13 from the same incident.

14 Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is
15 founded on the fact that the real property which is the subject of this action
16 is located in this district and that Plaintiff's cause of action arose in this
17 district.

18 Complaint has been served on Defendants on or about April 10,
19 2017. There are no outstanding issues regarding service, jurisdiction or
20 venue.

21
22 **3. Principal Factual Issues**

23 Plaintiff: Shirley Lindsay suffers from arthritis (osteoarthritis of
24 multiple joints; spinal stenosis of the lumbar spine; and essential
25 hypertension) of her hands, knees, and hips. She uses both a cane and
26 wheelchair for mobility. Defendant 3161 Los Feliz Blvd., LLC owned the
27 real property located at or about 3161 Los Feliz Blvd., Los Angeles,
28

1 California. Defendant Aram Tsolakyan own the Adam Tsolakyan, DDS
 2 (“Dental Office”) located at or about 3161 Los Feliz Blvd., Los Angeles,
 3 California.

4 There were no parking spaces marked and reserved for persons with
 5 disabilities during any of plaintiff’s alleged visits. Plaintiff alleges that
 6 defendants used to have an accessible parking space. Unfortunately, the
 7 defendants allegedly have allowed the parking space to fade beyond
 8 recognition or have paved over it. Defendants allegedly do not maintain
 9 their parking lot and have no plan or policy in place to maintain their
 10 parking spaces reserved for persons with disabilities.

11 Defendants’ failure to provide for accessible parking space at the
 12 Dental Office is discriminatory against the plaintiff, and therefore, violates
 13 Plaintiff’s rights under the American with Disabilities Act and the Unruh
 14 Civil Rights Act. Plaintiff seeks injunctive relief and statutory minimum
 15 damage award under the Unruh Civil Rights Act.

16 Defendant:

17 18 **4. Disputed Points of Law**

19 The disputed legal issues are: (1) Whether the property meets the
 20 minimum standards of the ADA; state disability laws and other codes; (2)
 21 whether the defendants are responsible under the law to remove barriers;
 22 (3) whether the barriers are readily achievable to remove; (4) whether the
 23 Plaintiff has standing to seek either damages or injunctive relief; and (5) the
 24 nature and extent of damages, if any.
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26 //

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5. Motions

Plaintiff: anticipates filing a motion for partial summary judgment on the issue of duty and liability under the ADA and the Unruh Civil Rights Act. This will happen after the necessary depositions are taken in this case.

Defendants: anticipates filing a motion for summary judgment on issue of standing to seek either damages or injunctive relief and Motion for partial summary judgment to dismiss unnecessary parties.

This will happen after the necessary depositions are taken in this case.

6. Amendments to the Pleadings

Plaintiff: does not anticipate adding any additional parties. Plaintiff intends to conduct an expert led site inspection to identify each barrier that would affect her type of disability and, then, amend the complaint to ensure that the ADA claim reflects her intention to have all unlawful barrier removed or remediated. This is the two-step process permitted and required by *Doran v. 7-Eleven Inc.*, (9th Cir. 2008) 524 F.3d 1034 and *Chapman v. Pier 1 Imports (US) Inc.*, 631 F.3d 939 (9th Cir. 2011).

7. Initial Disclosures

The Parties consent to exchange initial disclosures via email by June 14, 2017.

8. Discovery Plan

1. Anticipated and Outstanding Discovery

Plaintiff: intends to propound a set of Interrogatories, Requests for Admission and Requests for Production of Documents; to take

1 the deposition of the Defendants and to conduct an expert site
2 inspection.

3 Defendants: intends to propound a set of Interrogatories,
4 Requests for Admission and Requests for Production of Documents;
5 to take the deposition of the Plaintiff and to conduct an expert site
6 inspection.

7
8 **2. Discovery Subjects**

9 Plaintiff intends to seek discovery related to: (1) the ownership
10 and operation of the business; (2) lack of accessible parking space at
11 the Dental Office; (3) changes or reasonable modifications to the
12 property; (4) the feasibility of providing access to persons with
13 disabilities.

14 Defendants: intends to seek discovery related to: (1) Medical
15 condition of the Plaintiff; (2) Plaintiff's alleged visit dates to
16 Defendant's business/property; (3) Plaintiff's prior or subsequent
17 claims and lawsuits.

18
19 The parties do not propose to conduct discovery in phases. The
20 parties consent to receive by e-mail all discovery responses that are
21 capable to be received via electronic means. The parties propose
22 discovery cut-off date of May 28, 2018.

23
24 **3. Changes in Limitations on Discovery**

25 Plaintiff: Plaintiff requests that rule FRCP 33(a)(1) limits be
26 increased to 45 for both parties. Plaintiff otherwise requests no
27 deviation from the Federal and Local Rules.

28 Defendants: do not object to Plaintiff's request.

1 **9. Related Cases**

2 The parties are unaware of any related cases.

3
4 **10. Relief Sought**

5 Plaintiff: claims injunctive relief, attorney fees and damages under
6 the Unruh Civil Rights Act which provide for actual damages and a
7 statutory minimum of \$4,000.

8 Defendants: Plaintiff takes nothing from this lawsuit. Defendants be
9 dismissed with prejudice.

10
11 **11. Certification of Interested Parties**

12 Plaintiff: has filed the Certification as to Interested Parties or
13 Persons as required by Local Rules. Those parties or persons are
14 reproduced here:

15 Shirley Lindsay -	Plaintiff
16 3161 Los Feliz Blvd., LLC -	Defendant and Property Owner
17 Aram Tsolakyan -	Defendant and Business Owner
18 Gohar Grigorian -	Defendant and Business Owner

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20
21 **12. Other Dates and Deadlines**

22 The parties propose the following deadlines:

23

24 1]	Discovery cut-off	5/28/2018
25 2]	Deadline to have motions heard	6/25/2018
26 3]	Final Pre-Trial Conference date	8/6/2018
27 4]	Trial Date	8/21/2018

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1 **13. Trial**

2 Plaintiff: has requested a bench trial and anticipates a 2-3 day trial.

3 Defendants: are requesting a jury trial and anticipate a 4-5 day trial.

4
5 **14. Settlement**

6 The parties believes that settlement is likely in this case.

7 Plaintiff: believes that L.R. 16-15.4, Settlement Procedure Number 1—
8 settlement proceedings before the Magistrate Judge —should be utilized in
9 this case.

10 Defendants: do not object and agreed to early attempts on settlement.

11
12 **15. Manual for Complex Litigation**

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14 This case is not complex. There is no need for reference to the
15 procedures set forth in the Manual for Complex Litigation.

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17 **16. Dispositive Motions**

18 Plaintiff: anticipates filing a motion for partial summary judgment
19 on the issue of duty and liability under the ADA and the Unruh Civil Rights
20 Act. This will happen after the necessary depositions are taken in this case.

21 Defendants: anticipates filing a motion for summary judgment on
22 issue of standing to seek either damages or injunctive relief and Motion for
23 partial summary judgment to dismiss unnecessary parties. This will happen
24 after the necessary depositions are taken in this case.

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26 **17. Unusual Legal Issues**

27 There are no unusual legal issues.

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18. Other Issues

The parties have no proposals concerning severance, bifurcation or other ordering of proof.

Dated: June 9, 2017

CENTER FOR DISABILITY ACCESS

By: /s/Dennis Price
Dennis Price
Attorneys for Plaintiff

Dated: June 9, 2017

ARMAN SAHAKYAN & ASSOCIATES

By: /s/Arman Saakyan Esq.
Arman Saakyan, Esq.
Attorneys for Defendants

SIGNATURE ATTESTATION

Pursuant to Civil L.R 5-4.3.4(a)(2)(i), I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in this document's content and have authorized the filing of this document with the use of their electronic signature.

Dated: June 9, 2017

CENTER FOR DISABILITY ACCESS

By: /s/Dennis Price

Dennis Price

Attorneys for Plaintiff

EXHIBIT A**PROPOSED SCHEDULE OF PRETRIAL & TRIAL DATES**

Matter	Weeks Before Trial	Parties Request
Last Day for Hearing on Motion to Add Parties and Amend Pleadings (Monday at 10:00 a.m.)	27	2/26/2018
Non-Expert Discovery Cut-Off	15	5/7/2018
Expert Discovery Cut-Off	12	5/28/2018
Last Day to Conduct Settlement Proceedings	10	6/11/2018
Last Day for Law and Motion Hearings	8	6/25/2018
Final Pretrial Conference (Monday at 1:30 p.m.)	2	8/6/2018
Last Day for Filing Proposed Findings of Facts and Conclusions of Law (if court trial)	1	8/13/2018
Exhibit Conference (Friday at 3:00 p.m.)	Friday before Trial	8/17/2018
Trial (Tuesday at 9:00 a.m.)		8/21/2018